

**San Francisco Police Department**  
**INCIDENT REPORT**

Report Type: **Initial**

**190421659**

I N C I D E N T	Incident Number 190-421-659		Occurrence From Date / Time 06/12/2019 03:30		Occurrence To Date / Time		Reported Date / Time 06/12/2019 03:30		CAD Number 191630372		
Type of incident TRESPASSING 27195											
Location of Occurrence: At Intersection with/Premise Type [REDACTED] CASTRO ST / SUPERMARKET District MISSION											
Confidential Report? <input type="checkbox"/>		Arrest Made? <input type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>	Domestic Violence? <input type="checkbox"/>	(Type of Weapon Used)		Use of Force? <input type="checkbox"/>	Reporting Unit 3D11E	
Location Sent / On View: At Intersection with [REDACTED] CASTRO ST Reporting District MISSION											
Crime and Clearance Status 0		Reported to Bureau Name			Star		Date/ Time	Elder Victim <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>
Have you reviewed the attached list of procedures required by Department General Order (DGO) 7.04?											

O F F I C E R E A T I O N	I declare under penalty of perjury, this report of <u>4</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved. PROP 115 CERTIFIED Post Training										
Reporting Officer Star Station Watch Date FRISK, JAMES J 715 Mission Station 2100-0700 06/12/19 05:56											
Reviewing Officer Star Station Watch Date CUADRO, KEVIN V 1253 Mission Station 2100-0700 06/12/19 06:01											
OIC Star Station Watch Date CUADRO, KEVIN V 1253 Mission Station 2100-0700 06/12/19 06:01											
Related Case --		Related Case --		Re-assigned to Assigned to 3*300 Copies to 3*300 Add'l Copies						Assigned by JF 715	

V I C T I M	Code V 1		Name (Last, First Middle) SAFEWAY,				Alias			Email			
Day Phone		Type	Home Address				City			State		Zip Code	
Night Phone		Type	Work Address				City			State		Zip Code	
DOB	/ Age	DOB Unk. <input type="checkbox"/>	or age between and		Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Star Notification <input type="checkbox"/>				Follow-up Form YES <input type="checkbox"/>		Statement YES <input type="checkbox"/>		Relationship to Subject			
School (if Juvenile)			Injury/Treatment				Other Information/If Interpreter Needed Specify Language GROCERY SUPERMARKET.						
Interpreter Needed <input type="checkbox"/>	Language		Language Description(if Other)			Language Line Service/Interpreter ID#				Bilingual Ofc Star#			

R E P O R T E E	Code R 1		Name (Last, First Middle) [REDACTED]				Alias			Email			
Day Phone		Type	Home Address [REDACTED]				City CONCORD			State CA		Zip Code -	
Night Phone		Type	Work Address				City			State		Zip Code	
DOB	/ Age	DOB Unk. <input type="checkbox"/>	or age between and		Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.
[REDACTED]	32				B	F	5'4	200	BLK	BRO			
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Star Notification <input type="checkbox"/>				Follow-up Form YES <input checked="" type="checkbox"/>		Statement YES <input checked="" type="checkbox"/>		Relationship to Subject STRANGER/NONE			
School (if Juvenile)			Injury/Treatment NONE				Other Information/If Interpreter Needed Specify Language SECURITY GUARD AT SAFEWAY.						
Interpreter Needed <input type="checkbox"/>	Language		Language Description(if Other)			Language Line Service/Interpreter ID#				Bilingual Ofc Star#			

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<b>R E P O R T E</b>	Code		Name (Last, First Middle)				Alias			Email					
	R 2														
	Day Phone		Type	Home Address				City		State	Zip Code				
			Cell					DALY CITY		CA	94015-				
	Night Phone		Type	Work Address				City		State	Zip Code				
	DOB		/ Age	DOB	or age between and		Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.
			36	Unk. <input type="checkbox"/>			H	M	5'9	245	BRO	GRE			
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>	293 PC Star				Follow-up Form YES <input type="checkbox"/>		Statement YES <input checked="" type="checkbox"/>	Relationship to Subject KNOWN				
Notification <input type="checkbox"/>															
School (if Juvenile)			Injury/Treatment				Other Information/If Interpreter Needed Specify Language								
			NONE				EMPLOYEE AT SAFEWAY.								
Interpreter Needed <input type="checkbox"/>		Language		Language Description(if Other)			Language Line Service/Interpreter ID#			Bilingual Ofc Star#					

<b>S U S P E C T</b>	Code		Name (Last, First Middle)				Alias			Email			
	S 1												
	Day Phone			Type	Home Address			City			State	Zip Code	
	(000) 000-0000			None	TRANSIENT			TRANSIENT			CA	-	
	Night Phone			Type	Work Address			City			State	Zip Code	
	DOB Unknown <input type="checkbox"/>		Date of Birth	Age	or age between and		Race	Sex	Height	Weight	Hair Color	Eye Color	
			11/19/80	38			W	M	5'9	165	BRO	BRO	
	SFNO		J/D# (if Juv)		ID Type/Jurisdiction/Number			ID Type/Jurisdiction/Number			ID Type/Jurisdiction/Number		
	Booking Charge(s)						Booking Location						
Warrant #		Court#		Action#		Dept#		Enroute to					
Warrant Violation(s)						Bail (\$)							
Citation#		Violation(s)				Appear Date/time		Location of Appearance					
<input type="checkbox"/> CA Form Booked Copy Attached		Mirandized: Star <input type="checkbox"/>		Date Time		CWB Check		Star					
Book/Cite Approval			Star	Mass Arrest Code		M X-Rays <input type="checkbox"/>	School (if Juvenile)				Statement <input type="checkbox"/>		
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos													
Interpreter Needed <input type="checkbox"/>		Language		Language Description(if Other)			Language Line Service/Interpreter ID#			Bilingual Ofc Star#			

<b>P R O P E R T Y</b>	Code/No		Item Description					Brand		Model		
	EVD 1		CITIZEN'S ARREST					SFPD				
	Serial No.			Gun Make		Caliber	Color		Narcotics Lab No.		Quantity	Value
	Seized by (Star) 1499			From Where SCENE								
Additional Description/Identifying Numbers Signed by (S/1) against (R/1).												

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P R O P E R T Y	B  W  C  1	Code/No BWC 1	Item Description CAMERA FOOTAGE			Brand	Model		
		Serial No.		Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 3	Value
		Seized by (Star) 715		From Where SCENE					
		Additional Description/Identifying Numbers 715, 1499, 483							

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## NARRATIVE

On 06-12-2019 at approximately 0335 hours I responded to 2020 Market Street [(V/1) Safeway] regarding a mentally disturbed person inside of the store.

Upon our arrival I met with (R/1) [REDACTED] a security guard at Safeway. [REDACTED] told me the following in essence:

[REDACTED] observed a male, identified as (S/1) [REDACTED] enter the Safeway store. A staff member at Safeway informed [REDACTED] that [REDACTED] was not allowed in the store and asked [REDACTED] to inform him that he was not allowed. [REDACTED] told [REDACTED] that he had to leave. [REDACTED] began screaming and yelling and "running up" on [REDACTED] and other employees. [REDACTED] was aggressive and [REDACTED] believed that he might physically assault someone. [REDACTED] "ran up" in [REDACTED] face more than one time as [REDACTED] attempted to verbally de-escalate the situation. [REDACTED] warned [REDACTED] to back up or that she would pepper spray him. [REDACTED] did not back up and [REDACTED] believed that he might attack her or another employee. In defense of herself and the other employees [REDACTED] pepper-sprayed [REDACTED]. [REDACTED] then left the store.

I spoke with (R/2) [REDACTED], an employee at Safeway, who told me the following in essence:

[REDACTED] observed [REDACTED] walk into Safeway. [REDACTED] recognized [REDACTED] from prior contacts as a known shoplifter that was not allowed inside of the store. [REDACTED] informed [REDACTED] and [REDACTED] informed [REDACTED] that he was not allowed in the store. [REDACTED] became aggressive and began cursing. [REDACTED] became aggressive with [REDACTED] and placed himself in front of [REDACTED] and called him a "motherfucker." [REDACTED] believed that [REDACTED] might hit him and told him to back up. [REDACTED] believed that [REDACTED] might strike other employees as well. [REDACTED] did not observe [REDACTED] pepper spray Borland.

It should be noted that multiple unknown individuals at the scene stated that [REDACTED] called [REDACTED] "nigger."

Neither [REDACTED] or [REDACTED] wished to press charges against [REDACTED]

Officer Gilman #483 and Officer Sandoval #1499 spoke with [REDACTED]. [REDACTED] was treated on scene by Medic #59 for the effects of the pepper spray. [REDACTED] told Officer Gilman and Officer Sandoval the following in essence:

[REDACTED] walked into Safeway to go shopping. The staff informed him that he was not allowed inside of the store. [REDACTED] began cursing at them, including calling [REDACTED] a "bitch," which was his first amendment right. [REDACTED] then pepper-sprayed him.

[REDACTED] wished to press charges against [REDACTED]. Officer Sandoval accepted a (E/1) Citizen's Arrest for [REDACTED] against Alger.

I attempted to watch video surveillance footage of the incident but I could not locate a camera angle that recorded the incident.

Based on the totality of my investigation I determined that [REDACTED] was within her legal right to self defense and the defense of her co-workers when she pepper-sprayed [REDACTED]. I therefore did not place her under arrest for pepper-spraying Borland.

I provided Alger with a follow-up form with case number.

Officer Bortmas #1240 booked the citizen's arrest into evidence at Mission Station.

I activated my body worn camera during this investigation. All (BWC/1) camera footage was later uploaded to evidence.com.